

**REMARKS**

Applicant has carefully reviewed the Office Action dated April 5, 2004. Claims 1-32 are pending in this application. Applicant has amended Claims 1, 3, 5-7, 11, 13, 14, and 15 to more clearly point out the present inventive concept. Applicant has cancelled Claims 12 and 21-37. Reconsideration and favorable action is respectfully requested.

The Examiner notes that the Information Disclosure Statement filed on 09/10/01 fails to comply with 37 CFR 1.98(a)(2). A copy of the Information Disclosure Statement filed on 09/10/01 is enclosed including copies of all non-patent literature and copies of foreign patents.

The Examiner had objected to the Specifications. This has been amended to fill in gaps regarding related application information. This is the **CROSS-REFERENCE TO RELATED APPLICATIONS** section.

The Abstract of the Disclosure is objected to because of the inclusion of legal phraseology. The Abstract has been amended to correct the legal phraseology. As such, the objections to the Abstract is believed to have been overcome.

Claims 1-20 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner has particularly objected to the language "releasing a launch signal" and once this launch signal is released, that the computer input device is "responsive to the launch signal." This language has been changed to refer to the launch signal as a "control signal." This is supported in the Specification with respect to the flow chart of Figure 30, page 54, line 22, wherein it is set forth that the operation of releasing the launch signal provides for a control action. This control action causes the launching of an application on the computer (page 54, lines 26-27) to establish a connection to the network. As such, it is believed that the language as set forth in the amended claim clearly sets forth how this control signal is described. Further, this control signal is one that is sent in the broadcast such that the broadcast and the signal sent therefrom controls the launch of the application

in the user's computer. In view of these amendments, Applicant respectfully requests the withdrawal of the 35 U.S.C. §112 rejection with respect to Claims 1-20.

Claims 5, 6 and 31 stand rejected under 35 U.S.C. §112, as being indefinite. The term "substantial" has been removed from the claims and, further, the term "predetermined" has been removed from Claim 6. Therefore, Applicant respectfully requests the withdrawal of the 35 U.S.C. §112 rejection with respect to Claims 5, 6 and 31.

Claims 21-32 were rejected under 35 U.S.C. §112, which claims have been cancelled.

Claims 11-16 stand rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential elements. These claims have been amended and, as amended, Applicant believes that they now provide the essential elements. As to the sound, although the computer receives the sound, the sound that is picked up is in the range that is audible to the human. Since it is broadcast and can be output by a speaker, the frequency range is of importance in this claim. Applicant believes that the claims as amended overcome this aspect. With respect to the term "visual indicia" in Claim 16, this has been amended to refer to it as "the visual cue."

Claims 1-8, 10, 17, 18 and 20 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Portuesi*. This rejection is respectfully traversed with respect to the amended claims.

Applicant's present inventive concept, as defined by the amended claims, is directed toward a system wherein two things are presented to the user in a broadcast. The first is a visual cue and the second is a control signal that is broadcast for the purpose of controlling the computer without the user being involved in this control process. The control signal is prevented from being transmitted prior to the transmission of the animation. The animation or visual cue is used to attract the user to the display from which information is being broadcast. The cue is then followed by a control signal, which control signal is then operable to control the computer. This control is picked up by an input device for input to the computer.

The *Portuesi* reference, as compared to Applicant's presently claimed invention, is directed toward providing a URL on the screen. The user can then access this URL for the purpose of jumping to a Web site. However, the concept of attracting the user to the visual cue so that the user then knows that the control signal will follow, which control signal then is operable to connect their computer to a Web site is not set forth in *Portuesi* nor is there any motivation or suggestion for such a sequence of events. *Portuesi* does not disclose the transmission of a visual cue which purpose is to attract the user to their computer and, thereafter, send a control command in the broadcast. There is no control of the computer except through the actions of the user. As such, Applicant believes that *Portuesi* does not anticipate or obviate Applicant's present inventive concept, as defined by amended claims 1-8, 10, 17, 18 and 20. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §102 rejection with respect to these claims.

Claim 9 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Portuesi* as set forth with respect to Claims 1, 7 and 8. This rejection is respectfully traversed.

Claim 9 is dependent upon Claim 1 and, as such, Applicant believes that, for the reasons described above, Claim 9 is not obviated under 35 U.S.C. §103(a), the rejection of which is respectfully requested with respect to this claim.

Claim 19 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Portuesi* in view of *Ludwig et al.* This rejection is respectfully traversed.

The addition of *Ludwig et al.* does not cure the deficiencies noted herein above with respect to *Portuesi* as it applies to Claim 1, from which Claim 19 depends. As such, Applicant believes that the combination of *Portuesi* and *Ludwig* does not anticipate or obviate Applicant's present inventive concept and, therefore, the withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claim 19 is respectfully requested.

Claims 11-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Portuesi* in view of *Jensen et al.* This rejection is respectfully traversed.

The addition of the *Jensen et al.* reference does not cure the deficiencies noted herein above with respect to *Portuesi* as applied to Claim 1, from which Claims 11-14 dependent. Therefore, Applicant believes that the combination of *Portuesi* and *Jensen* does not obviate or anticipate Applicant's present inventive concept, as defined by the amended claims and, therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claims 11-14.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Portuesi* in combination with *Itoh et al.* This rejection is respectfully traversed with respect to the amended claims.

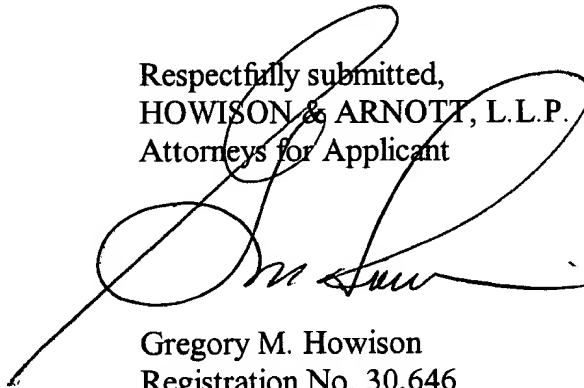
The addition of *Itoh et al.* does not cure the deficiencies noted herein above with respect to *Portuesi* as applied to Claim 1, from which Claim 15 depends. Therefore, Applicant believes that *Portuesi* and *Itoh et al.* in combination, does not anticipate or obviate Applicant's present inventive concept, and Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claim 15.

Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Portuesi* and further in combination with *Hill*. This rejection is respectfully traversed.

The addition of the *Hill* reference does not cure the deficiencies noted herein above with respect to Claim 1 in view of *Portuesi*. Therefore, Applicant believes that a combination of *Portuesi* and *Hill* does not anticipate or obviate Applicant's present inventive concept, as defined by the amended claims, and respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection with respect to Claim 16.

Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,509 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,  
HOWISON & ARNOTT, L.L.P.  
Attorneys for Applicant

A handwritten signature in black ink, appearing to read 'G. M. Howison', is written over the typed name and firm name.

Gregory M. Howison  
Registration No. 30,646

GMH/yoc/cr

P.O. Box 741715  
Dallas, Texas 75374-1715  
Tel: 972-479-0462  
Fax: 972-479-0464  
July 1, 2004